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Security Council

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Note by the Secretary-General concerning the date of an election to fill a vacancy in the International Court of Justice

1. By a letter dated 6 February 2018, Judge Hisashi Owada (Japan) informed the President of the Court, pursuant to Article 13, paragraph 4 of the Statute of the Court, of his resignation as a Member of the Court, effective 7 June 2018. A copy of Judge Owada's letter was forwarded to the Secretary-General by the President of the Court under the cover of a letter dated 6 February 2018. Therefore, a vacancy in the Court will occur on 7 June 2018, to be filled by election in accordance with the provisions of the Statute of the Court.

2. Article 14 of the Statute of the Court provides that:

> Vacancies [that occur in the case of the resignation of the member of the Court] shall be filled by the same method as that laid down for the first election subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security-Council.

3. Article 5, paragraph 1, of the Statute further provides:

> At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the States which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

4. In view of the fact that the date of the election is to be fixed by the Security Council, it is suggested that the Council might wish to consider this question at an early meeting, taking into consideration that the Secretary-General's call for nominations must be dispatched at least three months before the date of the election. The Secretary-General expects to issue the respective written communications as soon as possible.

5. The Security Council and the General Assembly will hold elections concurrently on the date fixed by the Security Council. The term of the newly elected Judge will commence on the date that the individual is elected by both bodies. In accordance with Article 15 of the Statute of the Court, the newly elected member of the Court will hold the office for the remainder of the predecessor's term, expiring on 5 February 2021.

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